
Status & Remarks

The application presently contains the following claims:

<i>Independent Claim #</i>	<i>Dependent Claim #s</i>
1	2-10
11	12-22
23	24-32
33	
34	
35	
36	
37	

Claims 1, 11 and 23 are amended in this response. Claims 33-37 are added. Support for the claim amendments may be found with reference to FIGS. 1-4 as originally filed.

Oath / Declaration

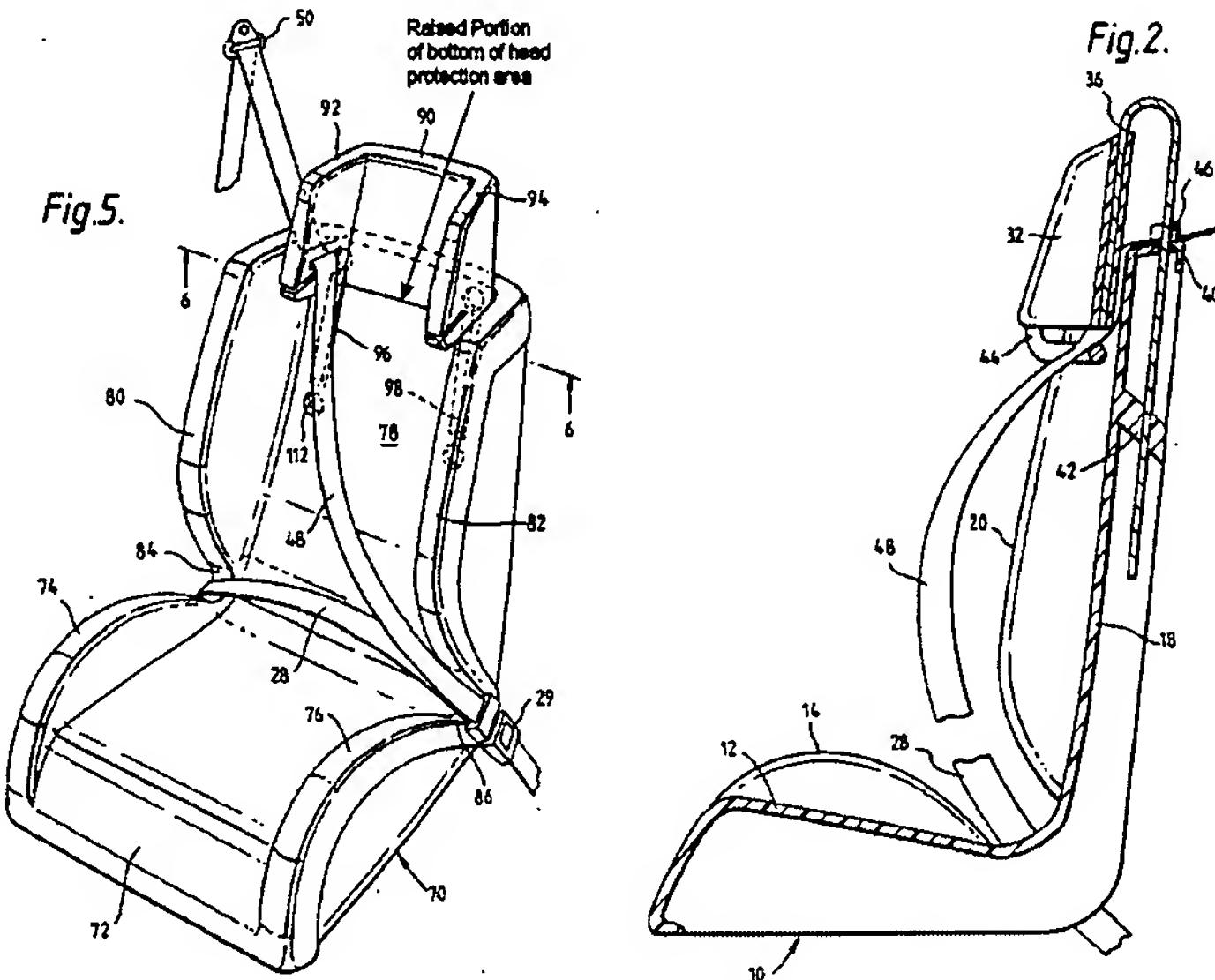
The examiner has indicated that a supplemental oath or declaration is required under 37 C.F.R. §1.67 in order to match the amended title. An amended declaration is provided in conformity with this requirement of the examiner.

35 U.S.C. §102

The examiner has rejected claims 1-8, 10, 23-30 and 32 under this section, subparagraph (b) as being anticipated by USP 4,854,639 to *Burleigh et al.*, and provided his reasons therefore. The applicant's attorney would respectfully request the examiner to revisit his position in light of the following comments, new claims and claim amendments.

Burleigh et al., discloses a movable component with an upper headrest area with a pair of forward-extending wings. The *Burleigh et al.* invention will always have a head protection area (90, 92, 94) which is

raised from the top surface of the seat back panel (78) and this area moves up and down in conjunction with the vertical movement of slide bar (36) as illustrated below while the back protection area remains stationary.



It is respectfully submitted that the invariant positioning of the head protection area in relationship to the bottom portion of the movable component in addition to the sliding surface-to-surface arrangement thereof, that achieves the highly desirable elimination of the raised portion of *Burleigh et al.* headrest above the plane of the seat back and distinguishes in a patentable manner, over the teachings of *Burleigh et al.* As presently claimed, the *Meeker & Gibson* upper headrest area and the movable portion of the lower area move together as one unit. This is not the *Burleigh et al.* configuration in which these components are distinctly separate components which as illustrated and taught in the patent, cannot move together. *Meeker & Gibson* have discovered an entirely new and unobvious manner of accomplishing the same function as *Burleigh et al.*

It is noted that the examiner has elaborated on his above rejection in paragraph 7 of his office action and the applicant's attorney appreciates this courtesy offered by the examiner. However, it is respectfully submitted that the examiner may want to revise at least some of the predicate for his rejection and associated logic therewith. The examiner points out that *Burleigh et al.*, has an upper headrest area and a lower area that is capable of hooking the seat belts. The examiner further points out that the upper headrest area is in an invariant fixed relationship to the lower area which the examiner has kindly identified as 44. Certainly, it is actually agreed that the area identified as 44 (guide hook) moves with the upper headrest area. However, as currently claimed, the location claimed and the location to which the examiner has pointed the applicant are not the same. As claimed, the lower area is defined as:

a lower area separated from said upper area by a pair of
fixed size indentations to accommodate an automobile
shoulder belt guide through one of said indentations,
said lower area having a surface and a contour in cross-
section for sliding movement along said fixed
component having a mating contoured surface in cross-
section, said lower area fixedly connected to said upper
headrest area ...

The *Meeker & Gibson* "lower area" is identified by reference #18, and as claimed has a contour for sliding movement with the fixed component #62. The *Burleigh et al.*, guide hook, reference #44, is not similarly situated and not analogous. The applicant's attorney would ask that the examiner review his position in light of the amendments made to the claims. The examiner has agreed that the *Burleigh et al.*, patented product and the *Meeker & Gibson* invention do not inter-fit in the same manner, and it is once again, respectfully submitted that this inter-fitting relationship is reflected in the claims as they currently are written.

35 U.S.C. §103

The examiner has rejected claims 9 and 31 under this section, subparagraph (a) as being unpatentable over *Burleigh et al.*, in view of U.S. Patent No. 5,845,968 to *Lovie* and provided his reasons therefore. The examiner has also provided additional thoughts as to the predicate for the rejection, which the applicant's attorney may have underappreciated. The applicant's attorney would respectfully request the examiner to revisit his position in light of the following comments, claim amendments and new claims.

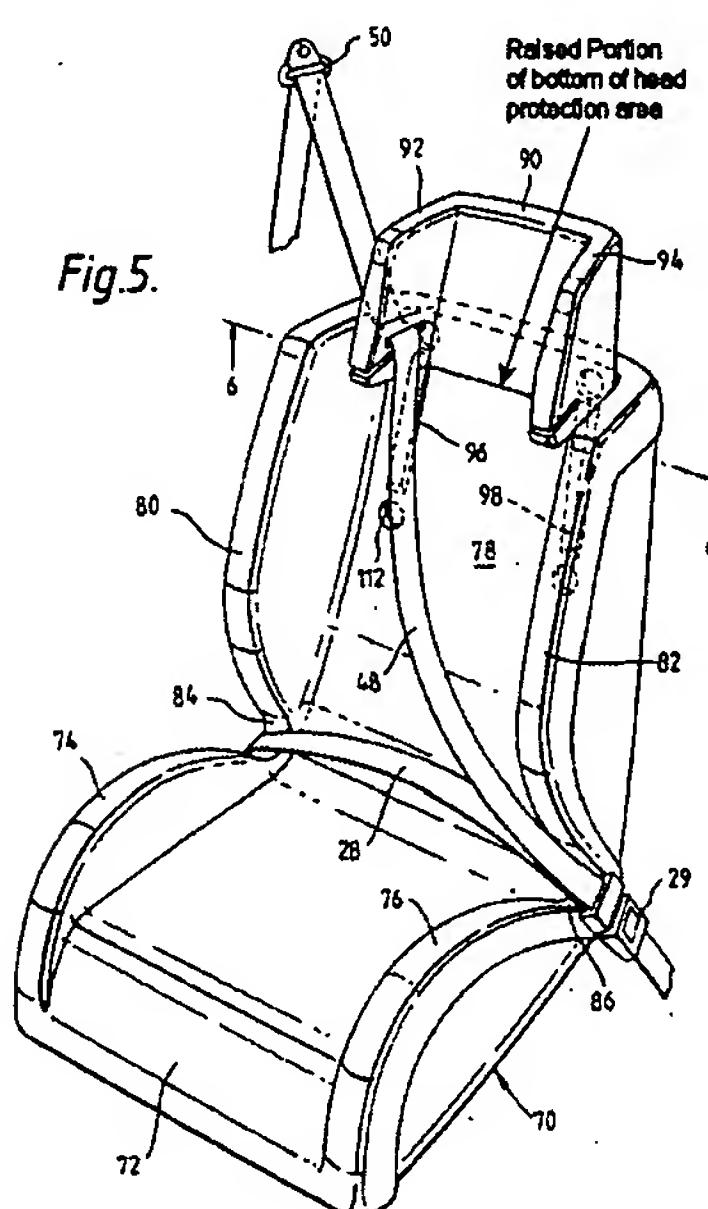


Fig.5.

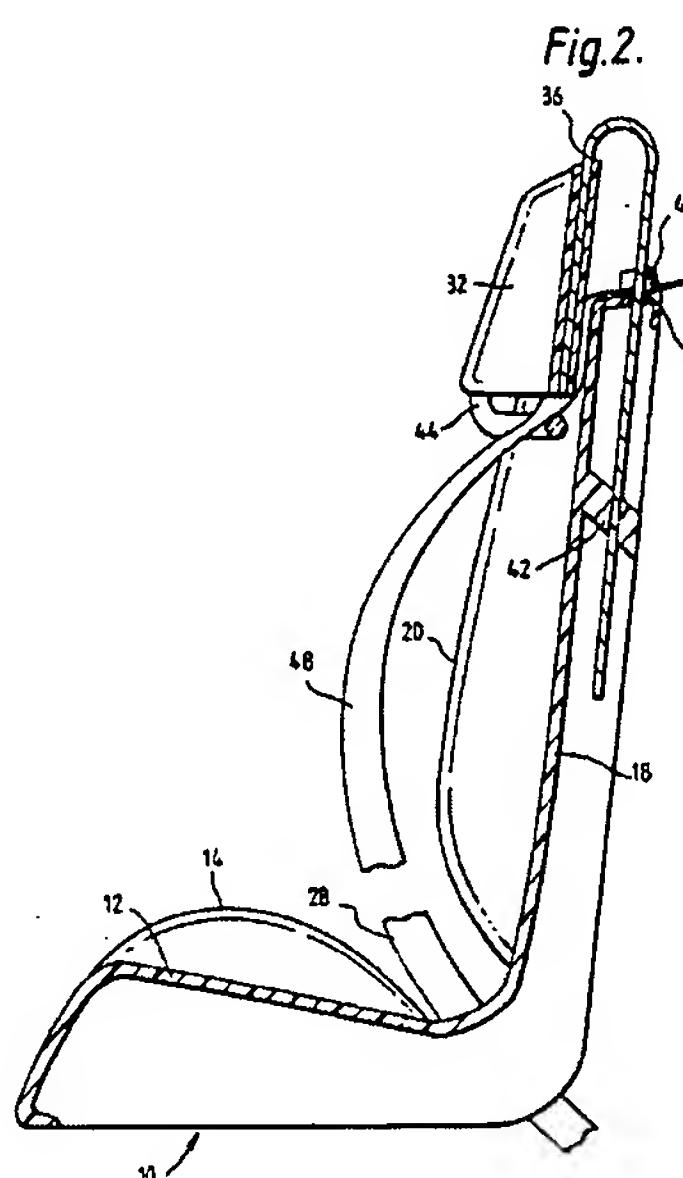


Fig.2.

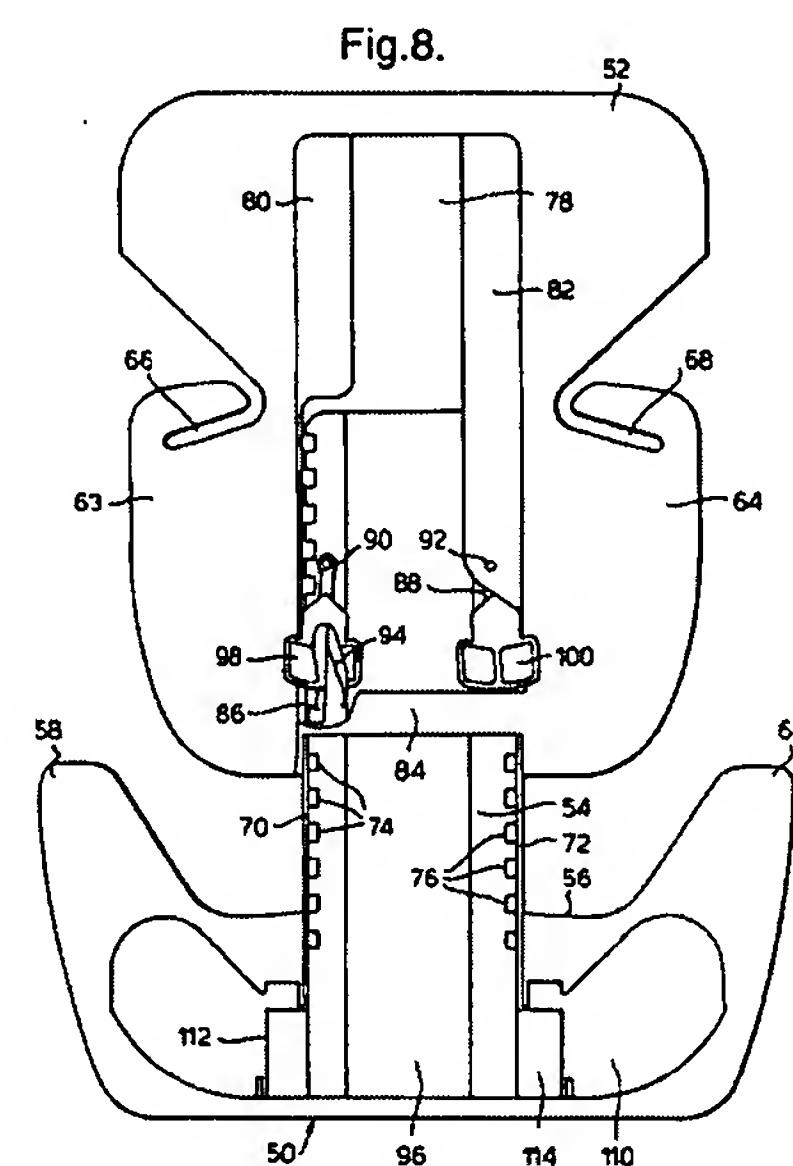


Fig.8.

Burleigh et al.

Burleigh et al.

Lovie

The examiner is suggesting that by substituting the mating teeth (98, 100) with associated grooves (76) of *Lovie* for slide bar (36) of *Burleigh et al.*, the limitation of mating teeth and grooves is met of claims 9 and 31. It is respectfully submitted that this is a selective reading of the two references. However, even if it were assumed that the examiner were correct, a point which the applicant's attorney is not conceding at this time, the combination will still not teach the *Meeker & Gibson* invention. In fact, any product made in accordance with the teachings of this combination would fail in either of two ways, both of which are distinguished in the pending claims:

- (1) the combination would result in a headrest which moved up and down, but for which there would be no movable back support component which moved in conjunction with the headrest (a feature which provides user comfort by eliminating the raised headrest of *Burleigh et al.*); or
- (2) the combination would result in a headrest and back combination which would move together as shown in Fig. 8 of *Lovie*, but which would have indentations, the size of which would vary proportionately with the height of elevation (a feature which does not provide maximum spinal support for the occupant, a

feature of which is present and claimed in the instant invention).

The combination of *Burleigh et al.*, with *Lovie* do not render obvious the claimed invention of *Meeker & Gibson*.

The examiner has rejected claims 11- 22 under this section, subparagraph (a) as being unpatentable over *Burleigh et al.*, in view of U.S. Patent No. 5,845,968 to *Lovie* as applied to claims 9 and 31 above, and further in view of U.S. Patent no. 5,803,543 to *Hartman* and provided his reasons therefore. The applicant's attorney would respectfully request the examiner to revisit his position in light of the following comments, claim amendments and new claims.

The examiner has indicated that by selectively combining what is believed to be the "best" features of all of the identified references, the invention of the applicant will be rendered obvious. It is respectfully submitted that nothing could be farther from the truth.

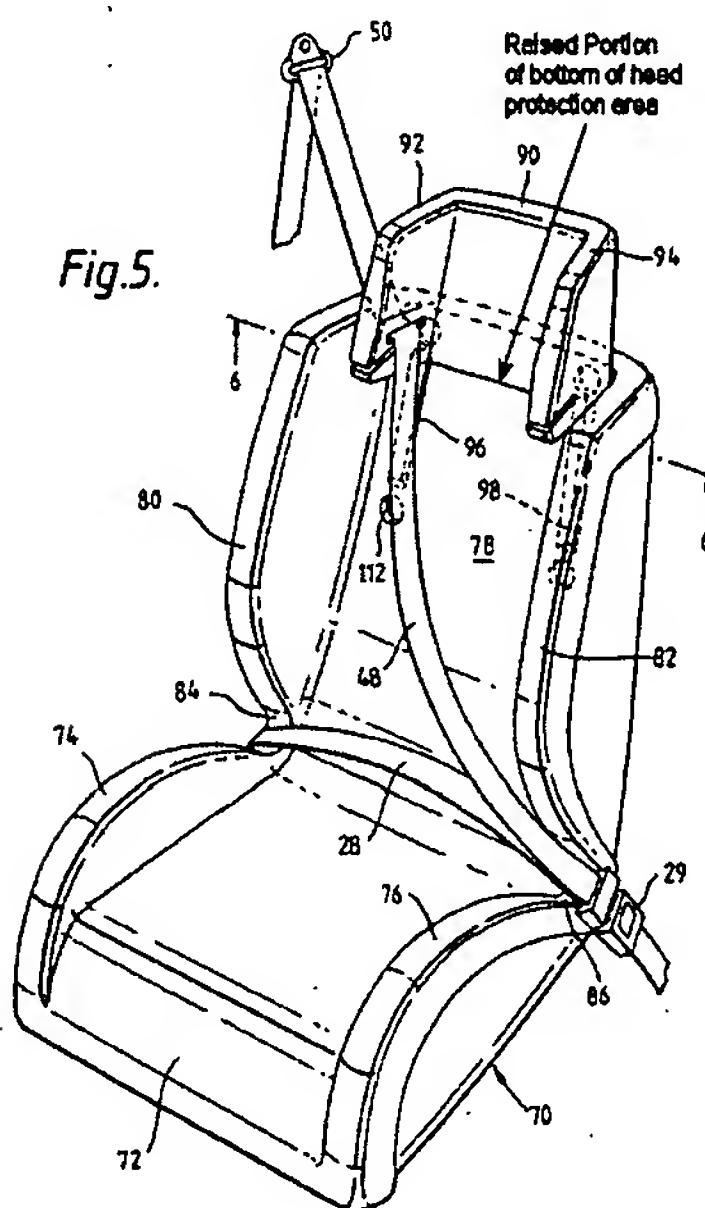


Fig.5.

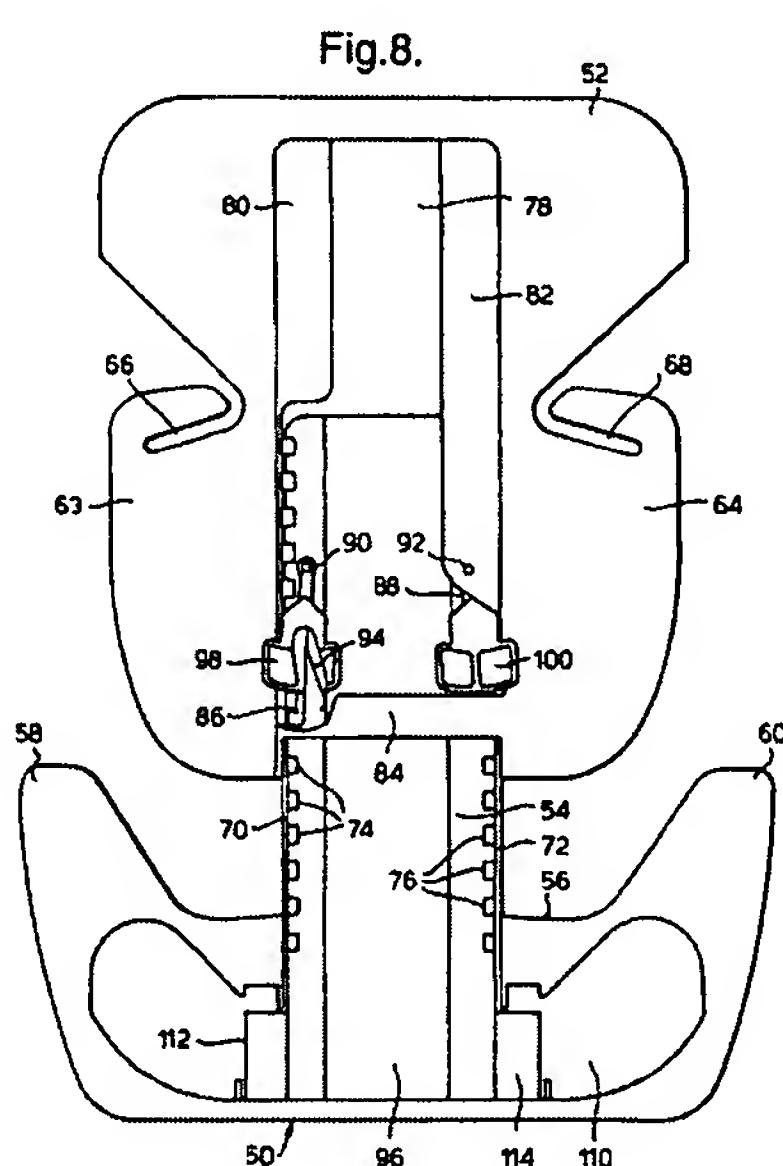
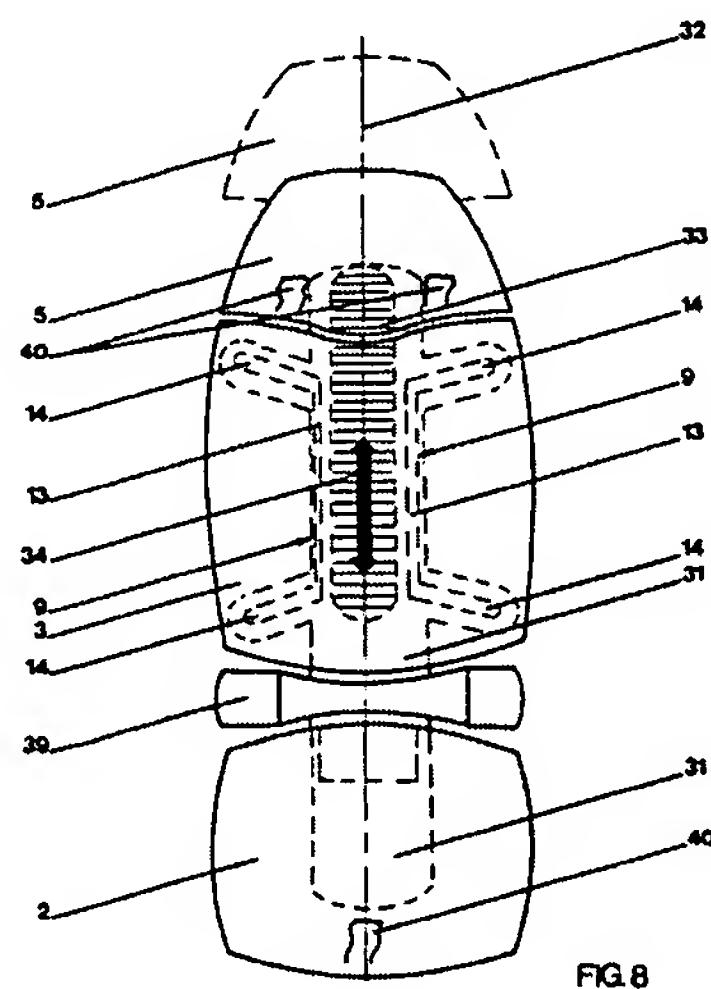


Fig.8.



Burleigh et al.

Lovie

Hartman

For the reasons stated previously above, the combination of either *Lovie* and/or *Hartman* leads to a product which fails for at least two reasons, namely:

- (1) the combination would result in a headrest which moved up and down, but for which there would be no movable back support component which moved in conjunction with the headrest (a feature which provides user comfort by eliminating the raised headrest of *Burleigh et al.*); or
- (2) the combination would result in a headrest and back combination which would move together as shown in Fig. 8 of *Lovie*, but which would have indentations, the size of which would vary proportionately with the height of elevation (a feature which does not provide maximum spinal support for the occupant, a

feature of which is present and claimed in the instant invention).

The question is whether *Hartman* provides the necessary deficiencies of the above combination. For the reasons provided below, it is respectfully submitted that *Hartman* does not provide the requisite necessary teachings to render obvious the invention of *Meeker & Gibson*.

While it may be correct that *Burleigh et al.*, does provide contiguous support, it suffers from the problem that it inherently has a raised portion for the head support region. Therefore, selectively using *Burleigh et al.*, for the proposition that an occupant can have contiguous support, and then focusing on the adjustability of *Hartman* will still result in a car seat for which the head rest area is still raised above the plane of the seat back, not essentially flat as claimed in the *Meeker and Gibson* invention by requiring the headrest support area to be fixed to the movable component of the back support area, and therefore, move in conjunction therewith. In other words, in the *Meeker and Gibson* invention, as the headrest surface area is raised, at least a portion of the back support area is simultaneously raised. Certainly, *Burleigh et al.*, does not do that, and the incorporation of any teaching of *Hartman* will not cure that defect. The addition of the teachings of *Hartman* suffer from precisely the same deficiencies as that of *Lovie*, except that the indentations of *Hartman* are closer to the top of the seat, while those of *Lovie* are toward the bottom. Regardless of location, both suffer from a non-supportive void area, the size of which increases with increasing extension of the heat support region, thereby decreasing spinal coverage, a deficiency which is not present in the *Meeker & Gibson* invention which utilize a nonobvious approach to solve the problem.

As amended, it is respectfully submitted that the combination of the contiguous back support, coupled with the essentially flat surface alignment claimed by linking the movable portion of the back support with the head support area, distinguishes over the trio of references identified by the examiner in a nonobvious way.

Request for Reconsideration

Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by the limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their dependency from independent claims which distinguish over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner. A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 50-0983.

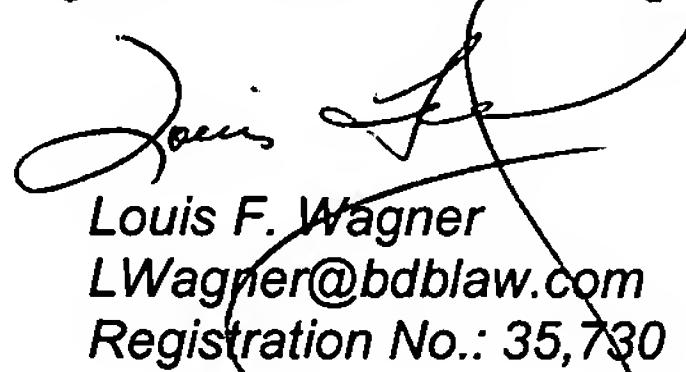
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It is respectfully submitted that all references identified by the examiner have been distinguished in a non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

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Respectfully Submitted,
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